

## **REMARKS/ARGUMENTS**

### *Specification*

Applicants have amended paragraphs [0003] – [0007] in order to correct informalities.

### *Allowable Subject Matter*

Claims 22-30 are objected to as being dependent upon a rejected base claim, but would be allowable by Examiner if rewrite in independent form including all of the limitation of the base claim and any intervening claims. Applicants have canceled claim 21 and have so amended claims 22-30. Consequently, claims 22-30 should now be allowable. Applicants wish to thank Examiner.

### *Claim Rejections - 35 USC §102*

Claims 1-21, and 31-40 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent. No. 6,674,750 (*Castellano*) for various reasons. *Castellano* describes an apparatus and method for communicating time-division multiplexed data and packet data on a shared bus.

Applicants respectfully traverse the rejections by amending a portion of the remaining claims in order to clarify the invention and point out features that are not taught or suggested by the reference.

Amended independent claim 1 is indicative and recites at least two elements not found in *Castellano*. These are:

1. transforming a first subset of the data packets into one or more TDM packet columns (See Fig. 12, Paragraph 0068); and
2. combining the TDM packet columns with a first subset of the TDM data columns to form a data payload of an outgoing TDM data frame(See Fig. 12, Paragraph 0068).

In contrast, *Castellano* describes the transmission of time division multiplexed data on a shared data communications bus through the use of control signals. (Abstract). That is, unlike the current invention which describes the creation of a TDM data frame into which TDM data and packet data have been combined, *Castellano* describes arbitration on a shared hardware bus between TDM data and packet data. In particular, *Castellano* specifically explains that TDM

data and packet data are kept distinct and separate from each other during transmission, “[any] time slots not allocated to transporting TDM data across the shared bus 404 are available to all packet applications in the system.” (Column 13, Lines 39-41).

Consequently, since *Castellano* does not disclose or suggest at least two elements recited in independent claim 1 and/or how these elements can be combined in the manner claimed, Applicants submit that claim 1 should now be allowable over the cited reference. In addition, claims 2-20 which depend either directly or indirectly from claim 1 should also be patentable over the cited art for at least the same reasons stated in claim 1.

Claim 31 is a means plus function claim having substantially the same limitations as claim 1, and is therefore patentable over the cited art for at least the same reasons stated in claim 1. Claims 32-40 which depend either directly or indirectly from claim 31 should also be patentable over the cited art for at least the same reasons stated in claim 31. Applicants therefore request that the Examiner reconsider and withdraw the §102 rejections.

No new subject matter has been added.

*Conclusion*

Applicants have amended the claims to further clarify features that are not described or suggested by the references. For these reasons, Applicants respectfully requests that the Examiner reconsider and withdraw the rejections of the claims.

In view of the discussion herein, Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at 408-257-5500.

Respectfully submitted,

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Attachments

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